

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
(SAN ANTONIO DIVISION)**

<b>In re:</b>	§	
<b>CINCH WIRELINE SERVICES, LLC</b>	§	<b>Case No. <u>23-51742-cag</u></b>
<b>Debtor</b>	§	<b>Chapter 7</b>
	§	
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<b>JOHN PATRICK LOWE, CHAPTER 7</b>	§	
<b>TRUSTEE FOR CINCH WIRELINE</b>	§	
<b>SERVICES, LLC,</b>	§	
<b>Plaintiff</b>	§	
<b>v.</b>	§	<b>Adversary 24-05011-cag</b>
<b>FRANK THOMAS SHUMATE; MARK</b>	§	
<b>LOPEZ; LORETTA L. HIGGINS;</b>	§	
<b>TIMOTHY GAINES POLLARD; JERRY</b>	§	
<b>MILLER; MARTIN KROESCHE;</b>	§	
<b>[THE "INDIVIDUAL-DEFENDANTS"]</b>	§	
<b>CINCH ENERGY SERVICES, LLC;</b>	§	
<b>CINCH INVESTMENT HOLDINGS, LLC;</b>	§	
<b>CES GROUP HOLDINGS, LLC; HOOK N</b>	§	
<b>BULL PROPERTIES, LLC; LOS CABOS</b>	§	
<b>RANCH, LLC; FTS RANCH, LLC; FTSJR</b>	§	
<b>HOLDINGS, LLC; WFO HOMES, LLC;</b>	§	
<b>TEXAS COAST BUILDERS, LLC; 17</b>	§	
<b>MAIN, LLC; GRANDER HOLDINGS,</b>	§	
<b>LLC; WFO, LLC; PONDER RANCH,</b>	§	
<b>LLC; BL EQUITY HOLDINGS, LLC;</b>	§	
<b>OCEAN FLOOR HOLDINGS, LLC;</b>	§	
<b>SUPERIOR READY MIX OF TEXAS,</b>	§	
<b>LLC; SUPERIOR READY MIX, LLC;</b>	§	
<b>CAPITAL PROPERTY INVESTING,</b>	§	
<b>LLC; CORE ASSET RESOURCES,</b>	§	
<b>LLC; DRAKEFIRE MANAGEMENT,</b>	§	
<b>LLC; EDMUND HOME BUILDERS,</b>	§	
<b>LLC; CHATTINGTON INVESTMENTS,</b>	§	
<b>LLC; WILLIAM H HOLDINGS, LLC;</b>	§	
<b>LONE STAR CEMENT COMPANY, LLC;</b>	§	
<b>TIM POLLARD CONSTRUCTION, INC.</b>	§	
<b>[The "Entity Defendants"]</b>	§	
<b>and Other Yet UNKNOWN DEFENDANTS</b>	§	
<b>["John Doe-Defendants"]; and</b>	§	
<b>SIMMONS BANK, NA</b>	§	
<b>Defendants</b>	§	
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**MOTION TO ENFORCE SUBPOENA DUCES TECUM TO DAVID ARNOLD AND  
D.E. WEB WORKS, LLC**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.**

**IF NO TIMELY RESPONSE IS FILED WITHIN 21 DAYS FROM THE DATE OF SERVICE,  
THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING  
HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.**

TO THE CHIEF UNITED STATES BANKRUPTCY JUDGE CRAIG A. GARGOTTA:

John Patrick Lowe, Chapter 7 Trustee for Cinch Wireline Services, LLC (“Trustee,”) files this Motion to Enforce Subpoena Duces Tecum to David Arnold (“Mr. Arnold”) and D.E. Web Works, LLC (“D.E. Web Works”) and in support of it respectfully represents to the Court as follows:

**I.**

Movant is the Trustee in this Chapter 7 Adversary Proceeding. The main case was commenced on December 13, 2023, as a Chapter 7 case and, since that date, has remained pending under that Chapter. This Motion is filed by right of Federal Rule of Civil Procedure 45 and made applicable to this case by right of Federal Rule of Bankruptcy Procedure 9016.

**II.**

1. On June 4, 2024, Plaintiff served a Subpoena Duces Tecum on D.E. Webworks, LLC, an I.T. computer specialist company which, upon knowledge and belief, has done work for the Debtor and Defendants, and D.E. Web Works’ President/Chief Executive Officer David Arnold. Attached as Exhibits A and B are the Subpoenas Duces Tecum to David Arnold and D.E. Web Works and the Declarations of Mailing signed by Melissa Montemayor, which includes the attached “green cards,” or Return Receipts for USPS Certified Mail, signed by D.E. Web Works’ Administrative Assistant Katlyn Irwin.

2. The Subpoena Duces Tecum called for a response and production of documents on June 17, 2024. **Neither David Arnold nor D.E. Webworks have produced anything to the Trustee other than an invoice**, attached as Exhibit C. The D.E. Web Works Invoice (the “Invoice”) was sent to Butch Boyd (“Mr. Boyd”) on June 12, 2024, for \$2,500 with the item listed as “Consultation” and the description, “PREPAYMENT REQUIRED Respond to subpoena for case #23-51742-cag – Research and produce any documents related to Cinch Energy Services LLC.” D.E. Web Works sent the Invoice electronically without any further context or communication. Mr. Boyd and Butch Boyd Law Firm employees made phone calls trying to reach Mr. Arnold in April and June 2024 but were told he was on vacation each time and that he was the person to speak to regarding this matter. When Mr. Boyd called D.E. Web Works in June, he was inquiring about the types of documents/information D.E. Web Works has as it relates to this matter and what would be produced if the Invoice was paid; when Mr. Boyd asked the Chief Operating Officer at D.E. Web Works, Nicole Moore (“Ms. Moore”) what type of documents/information they have and have invoiced the Trustee to produce, Ms. Moore said that she didn’t know.

3. Following this phone call, Mr. Boyd received an email from Mr. Arnold regarding the Subpoena, attached as Exhibit D; in the email, Mr. Arnold explains, **“You now have my attention.”** Clearly, the Subpoena issued out of this Court was not compelling enough to catch Mr. Arnold’s attention, considering he still has not responded to the request to produce the records, or even reach out to Mr. Boyd regarding the request, besides sending the Invoice. Mr. Arnold continues the email with **“I sent you an invoice “COMMANDING” you to pay our firm to do research for you.”**

4. In that same email, Mr. Arnold goes on to explain that he would **re-do the invoice for \$5,000 to cover expenses and their hourly rate for the day if he needed to appear before**

the Court and states, “You will need to pay that before that day, or we will not be showing up.”

5. In an email from Mr. Arnold to Mr. Boyd later that day, **Mr. Arnold stated that Mr. Boyd would need a court order to enforce the Subpoena and that they did not hand over information without a court order**, and explained that “The section below means absolutely nothing to me, nor do I even know who you represent.”; the snippet from the section of the Subpoena Mr. Arnold is referring to is embedded below:

☒ **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: All records related, directly or indirectly, to the following entities: Cinch Wireline Services, LLC; Cinch Energy Services, LLC; Cinch Investment Holdings, LLC; CES Group Holdings, LLC; Hook N Bull Properties, LLC; Los Cabos Ranch, LLC; FTS Ranch, LLC; FTSJR Holdings, LLC; WFO Homes, LLC; Texas Coast Builders, LLC; Grander Holdings, LLC; WFO, LLC; Ponder Ranch, LLC; BL Equity Holdings, LLC; Ocean Floor Holdings, LLC; Frank Thomas Shumate; Mark Lopez; Loretta L. Higgins; Timothy Gaines Pollard; and Jerry Miller

PLACE Butch Boyd, Butch Boyd Law Firm, 2905 Sackett Street, Houston, TX 77098	DATE AND TIME June 17, 2024 @ 10:00am
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6. On April 24, 2024, Mr. Boyd sent a Letter of Representation (LOR)/Litigation Hold Letter to Mr. Arnold and D.E. Web Works via regular mail and certified mail with a tracking number; the letter explained not only that Butch Boyd Law Firm and Jordan & Ortiz, P.C. represent John Patrick Lowe, Chapter 7 Trustee for Cinch Wireline Services, LLC, but also the types of documents to preserve, and which documents and information could potentially be relevant to the issues in this matter. The LOR/Litigation Hold Letter from Mr. Boyd to D.E. Web Works and David Arnold and the USPS proof of delivery are Attached as Exhibit E.

7. Mr. Arnold concluded his email by saying, **“We will determine IF we have relevant documents to provide. If so, then once you have paid our initial invoice, we will begin the process of gathering said documentation for you, as long as it does not break any confidentiality agreement that might be in place.”**

### III.

8. Mr. Arnold and D.E. Web Works have been very combative and non-

communicative regarding the types of documents/information he and D.E. Webworks have regarding this matter; neither D.E. Web Works nor Mr. Arnold reached out to Butch Boyd Law Firm or Jordan & Ortiz, P.C., after receiving the LOR/Litigation Hold Letter or the Subpoena to clarify any questions they may have. Mr. Arnold makes it very clear that he will determine what is relevant and if it is something he deems necessary to produce; even though Mr. Boyd explained to Ms. Moore that there is a Court Order in place, Mr. Arnold has made it clear that he will not produce anything unless the Court has ordered him, is paid a consultation fee of \$2,500, and will not appear before the Court unless the Trustee pays him \$5,000.

9. The Trustee moves that this Court take this into consideration and enforce the Subpoena Duces Tecum and grant the Trustee such relief, including civil contempt against David Arnold, as will compel the Respondent to produce the records sought by the Trustee.

WHEREFORE, premises considered, Plaintiff John Patrick Lowe, Chapter 7 Trustee for Cinch Wireline Services, requests that the Court enter an Order granting this Motion and for such other and further relief, at law or in equity, as to which he may be justly entitled.

Dated: July 23, 2024

Respectfully submitted,

/s/ Butch Boyd

Butch Boyd

State Bar No. 00783694

**BUTCH BOYD LAW FIRM, P.C.**

2905 Sackett Street

Houston, TX 77098

713.589.8477

713.589.8563 (Fax)

Email: [butchboyd@butchboydlawfirm.com](mailto:butchboyd@butchboydlawfirm.com)

Copy to: [katrinaboyd@butchboydlawfirm.com](mailto:katrinaboyd@butchboydlawfirm.com)

/s/ Shelby A. Jordan

Shelby A. Jordan

St. Bar No. 11016700

Antonio Ortiz

Page 5

St. Bar No. 24074839  
**JORDAN & ORTIZ, P.C.**  
500 North Shoreline Blvd., Suite 804  
Corpus Christi, TX 78401  
Telephone: 361.884.5678  
Facsimile: 361.888.5555  
Email: [sjordan@jhwclaw.com](mailto:sjordan@jhwclaw.com)  
[aortiz@jhwclaw.com](mailto:aortiz@jhwclaw.com)  
Copy to: [cmadden@jhwclaw.com](mailto:cmadden@jhwclaw.com)  
**SPECIAL COUNSEL FOR JOHN PATRICK  
LOWE, CHAPTER 7 TRUSTEE FOR CINCH  
WIRELINE SERVICES, LLC**

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served to the below by the CM/ECF system by electronic mail on July 23, 2024:

David Arnold  
DeWebWorks  
3901 N. Main  
Victoria, TX 77901  
Email: [davea@dewebworks.com](mailto:davea@dewebworks.com)

**Gabi S Canales**  
Canales Law Office  
5262 S Staples St.  
Suite 100  
Corpus Christi, TX 78411  
361-887-4700  
361-887-4761 (fax)  
[gabilaw14@gmail.com](mailto:gabilaw14@gmail.com)  
*Assigned: 05/14/2024*

representing **Michael Mendieta**  
*(Interested Party)*

**Richard L. Fuqua**  
Fuqua & Associates, PC  
8558 Katy Freeway  
Suite 119  
77024  
Houston, TX 77024  
713-960-0277  
713-960-1064 (fax)  
[fuqua@fuquakeim.com](mailto:fuqua@fuquakeim.com)  
*Assigned: 05/28/2024*

representing **Loretta L. Higgins**  
24030 Tirso River Court  
Katy, TX 77493  
*(Defendant)*

**R. Javier Guerra**  
Ray Pena McChristian, PC

representing **Jerry Miller**  
137 W. Chandler Road

9601 McAllister Freeway, Suite 901  
San Antonio, TX 78216  
210-341-3554  
210-341-3557 (fax)  
jguerra@raylaw.com  
*Assigned: 05/20/2024*

**Aaron Matthew Guerrero**  
Bond Ellis Eppich Schafer Jones LLP  
950 Echo Lane  
Suite 120  
Houston, TX 77024  
713-335-4838  
832-740-1411 (fax)  
aaron.guerrero@bondsellis.com  
*Assigned: 04/26/2024*

**Charles A. Newton**  
Newtons Law  
190 N. Millport Circle  
The Woodlands, TX 77382  
281-681-1170  
281-901-5631 (fax)  
chuck@newtons.law

**Paul W. O'Finan**  
S M Chaudhry, Esq., Attorney at Law  
PLLC  
14100 San Pedro Ave, Suite 210  
San Antonio, TX 78232  
(210) 646-9400  
(210) 646-0038 (fax)  
paul@smcesq.com

Sarita, TX 78385  
*(Defendant)*

**17 Main, LLC**  
c/o Daniel Namvar, Registered  
Agent  
representing 9135 Hillsboro Dr  
Los Angeles, CA 90034  
*(Defendant)*

**Mark Lopez**  
52 County Road 2011  
Edna, TX 77957  
representing *(Defendant)*

**Los Cabos Ranch, LLC**  
c/o Paul S Kirklin, Registered  
Agent  
representing 12600 N. Featherwood Drive,  
Suite 225,  
Houston, TX 77034  
*(Defendant)*

**BL Equity Holdings, LLC**  
c/o A Registered Agent, Inc  
representing 8 The Green, Suite A  
Dover, DE 19901  
*(Defendant)*

**Timothy Gaines Pollard**  
2200 County Road 413  
McCoy, TX 78113  
*(Defendant)*

**Jameson Joseph Watts**

Husch Blackwell LLP

111 Congress Ave.,

Suite 1400

Austin, TX 78701

512-479-1179

512-479-1101 (fax)

jameson.watts@huschblackwell.com

*Assigned: 06/03/2024*

representing

**WFO, LLC**

c/o Tim Pollard, Registered

Agent

146 Motts Parkway

Marion, TX 78124

*(Defendant)*

**CES Group Holdings, LLC**

c/o Frank T. Shumate, Registered

Agent

2200 County Road 413

McCoy, TX 78113

*(Defendant)*

**Cinch Energy Services, LLC**

Mark Lopez, Registered Agent

1102 S. Second

Ganado, TX 77962

*(Defendant)*

**Cinch Investment Holdings,  
LLC**

2200 County Road 413

McCoy, TX 78113

*(Defendant)*

**FTS Ranch, LLC**

c/o Frank T Shumate Jr.,

Registered Agent

2200 County Road 413

McCoy, TX 78113

*(Defendant)*

**FTSJr Holdings, LLC**

c/o Frank T Shumate, Jr.,

Registered Agent

2200 County Road 413

McCoy, TX 78113

*(Defendant)*

**Frank Thomas Shumate**

6118 King Trail

Corpus Christi, TX 78414

*(Defendant)*



**Grander Holdings, LLC**

c/o Frank T Shumate Jr.,  
Registered Agent  
2200 County Road 413  
McCoy, TX 78113  
(Defendant)

**Hook N Bull Properties, LLC**

c/o Frank T. Shumate, Jr.,  
Registered Age  
2200 County Road 413  
McCoy, TX 78113  
(Defendant)

**Ocean Floor Holdings, LLC**

c/o A Registered Agent, Inc.  
8 The Green, Suite A  
Dover, DE 19901  
(Defendant)

**Ponder Ranch, LLC**

c/o Frank T Shumate Jr.,  
Registered Agent  
2200 County Road 413  
McCoy, TX 78113  
(Defendant)

**Texas Coast Builders, LLC**

c/o Frank T Shumate Jr.,  
Registered Agent  
2200 County Road 413  
McCoy, TX 78113  
(Defendant)

**WFO Homes, LLC**

c/o Tim Pollard, Registered  
Agent  
146 Motts Parkway  
Marion, TX 78124  
(Defendant)

/s/ Butch Boyd  
Butch Boyd